



**MINUTES OF THE GILA COUNTY
BOARD OF ADJUSTMENT
Thursday, June 16, 2016**

GILA COUNTY BOARD OF SUPERVISORS HEARING ROOM
1400 E Ash St., Globe, AZ
9:00 am

REGULAR MEETING

1. The meeting was called to order at 9:00 am by Chairman Don Ascoli.
2. Pledge of Allegiance was led by Chairman Don Ascoli.
3. Roll Call: Christine Lopez did the roll call; Chairman Don Ascoli, Travis Williams, Mickie Nye, Mary Lou Myers, and Kurtis Knauss were all present. A quorum is present.

Community Development Staff Members Present: Robert Gould-P/T Planner, Bill Hanna-Code Compliance, Christine Lopez-Administrative Clerk, and Margie Chapman Code Compliance Supervisor/Zoning Assistant.

4. Chairman Don Ascoli introduced new member Kurtis Knauss and asked him to briefly introduce himself. Mr. Knauss lives in the Ice House area of District 2.
5. Review and Approval of the Board of Adjustment Minutes of March 17, 2016. Chairman Don Ascoli asked if there were any changes needed to the minutes. No changes were suggested. Mary Lou Myers motioned that the minutes be approved as is and Kurtis Knauss seconded the motion. The motion was unanimously approved.
6. **Planner/Commission Communication:** At any time during this meeting of the Board of Adjustment, Planner Bob Gould of Community Development may present a brief summary of current events. Mr. Gould did not have any comments at this time.

HEARINGS

Public Hearing

USE PERMIT APPEAL HEARING

7. **U16-03 Use Permit:** Appeal on the denial of a Use Permit Application for Gila County Tax Assessor Parcel 205-01-047 D, located at 143 E Quail Ridge Road, Globe, AZ; property is currently zoned R1-D9. The applicant is requesting that they be allowed to operate a small engine repair service (lawn mowers, weed eaters, generators, etc.) between the hours of 9:00 a.m. and 5:00 p.m. at this location.

Planner Bob Gould presented the Staff Report Overview. A hearing was held on this matter in April. Mr. Gould chose to deny the use permit for a home occupied business because he did not believe the Applicant could adhere to the conditions outlined in the definition of a home occupation. Mr. Gould reviewed those conditions as outlined in the April 26, 2016, denial letter sent to the applicants. Since the April hearing, the construction of the garage has been completed

but the building permit has not been finalized. The completed garage will allow enclosed storage of the stock-in-trade. Mr. Gould presented pictures dated June 15, 2016, showing outdoor displays currently on the property.

Chairman Don Ascoli asked if there were any questions of Mr. Gould. Mary Lou Myers asked if the completion of the garage negated some of Mr. Gould's original criticism of the proposed use of this property. Mr. Gould said it did. Mr. Ascoli asked if the intent is for all the work to be done in the garage. Mr. Gould said yes. The regulations require that the business must be indoors without being visible from the outside. The home occupation cannot exceed 25% of the square footage of the home. This will limit the home occupation to half the square footage of the garage. Mr. Ascoli asked questions about signs. Mr. Gould says the code allows a sign up to 6 square feet. Mary Lou Myers asked about comment letters received. Are there other businesses operating on this street? Mr. Gould is only aware of a plumbing business on that street. Community Development has not received a complaint about this business so it has not been investigated for compliance. Mr. Ascoli asked if this business would be inspected regularly for compliance to the use permit. Mr. Gould said no. We rely on complaints to verify compliance. Travis Williams asked if Mr. Gould withdraws his criticism of the use permit because the garage is finished, or if he is still in favor of denying the use permit. If the outside storage continues, Mr. Gould is in favor of denial. Mickie Nye asked if the use permit could be approved specifying no signs. Mr. Gould said to specify no signs when allowed by the code would be illegal. Stipulations about signage could be added to the use permit. Board Members discussed signs. Bob Gould and Board Members discussed the June 15, 2016, pictures. Mary Lou Myers asked where the business was located previously. In the city limits of Globe. Bob Gould and Board Members discussed appeal process and code enforcement for business/residence on the property. Mr. Ascoli asked if the applicants can resubmit later for the use permit. Bob Gould says yes. Mickie Nye asked if the application fee can be waived should the applicant reapply for the use permit. Mr. Gould said he cannot waive the fee but the Board can. Bob Gould, Bill Hanna and Board Members discuss the pictures dated June 15, 2016.

Chairman Don Ascoli opened the meeting for public comment.

Mat Stauffer. Lived at 180 Quail Ridge Road for 14 years. His main concern is traffic. He has seen an increase in traffic. People stop and ask for directions to Bauer Repair. All the residents have lived there for 10 years or more. The residents chose that area because it is quiet. It is a dead-end street. He does not want the traffic that was on Blake Street. The business should be located in town instead of on Quail Ridge Road. Mickie Nye disclosed he does business with Mr. Stauffer. Mr. Nye asked if Mr. Stauffer ever has customers come to his residence. Mr. Stauffer said no. He does not recall a customer ever coming to his house. He loads his truck the night before. He leaves in the morning and comes back in the afternoon. Plumbing is located at the customer's house. Kurtis Knauss disclosed a business relationship with both Mat Stauffer and Mr. Bauer. Mr. Knauss asked Mr. Stauffer if he receives goods or deliveries at his house. Mr. Stauffer states he gets one delivery of plumbing supplies a week on Thursday mornings. Most of the residents have bottled water delivery. UPS delivers packages just like in other neighborhoods. There are no trucks coming in and out; just him and his one truck. No employees. Mr. Knauss asked about a sign reducing traffic. Mr. Stauffer does not believe a sign would reduce traffic.

Lorraine Dalrymple. Owns 166 and 158 E Quail Ridge Road. Lives at 158 E Quail Ridge Road. 166 E Quail Ridge Road is across the street from the mess. It is well landscaped over the 12 years she

owned it. Quail Ridge Road is a dead-end street off another dead-end street (Bixby Road). She bought the property because she wanted the quietness and tranquility, not the traffic. It is a nice neighborhood. A safe neighborhood. She is happy the way it is. She is concerned about traffic and how compliant to the use permit the Bauer's will be. The Goss's at 136 E Quail Ridge Road also asked her to express their concerns. They work nights and sleep during the day. They are directly across the street. They are concerned about the noise.

Bart Byrne. 122 E Quail Ridge Road/122 N Byrne Road. He was not at the first meeting because he was not notified [Bob Gould later pointed out that he was not notified because his property is not adjacent to the Bauer property]. His concerns are the same as the two previous commenters. The metal garage is not insulated and will not muffle the noise. He runs two businesses that use his home address. But they are not a storefront business, they are just an address. There is a difference between a storefront business and a business like Mat's that is run out of his truck. A storefront will bring more people to the area and increase traffic

Ken Byrne. 126 E Quail Ridge Road. 911 Addressing just changed the address to 126 E Byrne Road. He was not notified of the meeting [Bob Gould later pointed out that he was not notified because his property is not adjacent to the Bauer property]. He wants to reiterate the earlier expressed concerns. His main concern is traffic. He does not agree with moving forward with this use permit.

Bob Gould pointed out that the Byrnes did not receive letters notifying them of the hearing because their properties are not adjacent to the Bauer property.

Amber Bauer. 143 E Quail Ridge Road. She wants to clarify some things. They own a large piece of property. The items by the corral and conex box are not part of the business. Her husband put up the shop to have a place to work. Her father-in-law is divorced, hence the stuff that has come in. Everyone else on the street has lived there 15 or 20 years. She has been there a year. She is working on fixing the property. The other residents have money to fix their places. She doesn't. She is working on it. She just wants to operate a small business. She does not know who will come into the neighborhood. The noise issue is ridiculous because they are right next to the Eastern Arizona train garage. It operates at all hours. They are right next to the Native Air Ambulance helipad. It operates at all hours. Both businesses make more noise than a chainsaw. Kurtis Knauss asked how many customers she anticipates on a daily basis. Mrs. Bauer stated she does not know. She never saw more than two or three at a time on Blake Street. People come and drop things off and they leave. They do not hang around. Mickie Nye asked how many customers they had yesterday. Mrs. Bauer answered one customer and she told him they were not open. Mr. Nye asked what timeframe they have to clean the property. She does not know. They work on it every day. Mrs. Bauer and Board Members discuss the pictures dated June 15, 2016.

Andy Bauer. Applicant for the use permit. He is working at cleaning up the property. There will be less traffic compared to the Globe location. Customers will be contractors, landscapers and organizations they have contracts with such as Gila County, City of Globe, etc. His father wants to take care of those he has long term contracts with and still earn a living. The general public will not be coming in and out. This will be a downscaled version of what the business was in town. Don Ascoli asked if his father plans to retire, which would limit the lifetime of this business. Mr. Bauer said yes. He does not know how soon he could retire because of the divorce. He cannot

get Social Security for another five or six years. Mr. Bauer and his father would like to get back on their feet financially, find a retail spot in town and continue in the family this much needed business. That is just not financially possible at this time. They can't afford a retail spot and this is mainly about keeping the contracts and dealers happy.

Chairman Don Ascoli asked if there were any other public comments. Hearing none he closed the public part of the hearing. Mickie Nye asked Bob Gould what was allowed in R1-D9. Bob Gould said R1-D9 allows a home occupied business. The testimony he heard causes him to be concerned about the number of customers. The definition of home occupation states it will not impact the residential character of the neighborhood. A lot of customers coming in and out will impact the residential character of the neighborhood. Mr. Gould and Mr. Nye discussed conflicting property rights and possible use permit conditions. Mr. Williams believes the home occupation will impact the residential character of the neighborhood and quoted several letters. Mr. Knauss quoted and discussed several letters that indicate that the repair shop on Blake Street did not affect its neighbors or neighborhood while operating in town and there are already industries close to this residential neighborhood. He does not believe the home occupation would not impact the residential character of the neighborhood.

Mickie Nye moved that the Petitioner's appeal be denied. However, should the Petitioner bring the property into compliance and reapply for the same use permit within a one year from the denial date, the County will waive the use permit application fee. Mary Lou Myers seconded the motion.

The motion was approved four to one to deny the appeal.

Adjourned for a break at 10:10.
Meeting resumed at 10:14.

VARIANCE HEARING

8. **V16-02 Variance:** Application for a variance from front setbacks: The placement of a new manufactured home and deck for front setbacks of 7 feet and 12 feet where a 20 foot and a 14 foot setback is/are required. Due to flood zone requirements the new manufactured home must be placed in the same footprint of the existing home which creates setback encroachments.

Planner Bob Gould presented the Staff Report Overview. Property currently has an old mobile home that does not meet setbacks. The property owners want to replace the mobile home with a modern manufactured home. The property is in a floodplain. Floodplain will allow a replacement manufactured home to be placed in the existing mobile home's footprint. Bob Gould reviewed the floodplain aerial map and pictures in the Staff Report. It is recommended that the setback variance be granted because the new manufactured home's placement/setbacks will be an improvement over the existing mobile home's setbacks.

Chairman Don Ascoli asked for any questions from the Board Members. Mickie Nye disclosed a business relationship with the Horn family. No other questions

Chairman Don Ascoli opened the meeting for public comment.

Paula Horn. Applicant for the Variance. 4675 N Highway 188. She is trying to improve the property. She would like to move the manufactured home back away from the neighbors but that is not possible with the floodplain.

Chairman Don Ascoli asked if the Board Members had any questions of Mrs. Horn. None. Chairman Don Ascoli asked if there were any further public comments. Hearing none, Mr. Ascoli closed the meeting for public comment. Chairman Don Ascoli asked if the Board Members had any questions or comments. None.

Mary Lou Myers made a motion to approve Setback Variance V16-02. Mickie Nye seconded the motion. Variance V16-02 was approved 5 to 0.

9. Adjournment. Mary Lou Myers made a motion to adjourn the meeting and Mickie Nye seconded the motion. The motion to adjourn was unanimously approved at 10:23 AM.